SOUTHERN DISTRICT OF NEW YORK	
FRANCISCO VILLAR, on behalf of himself and, FLSA Collective Plaintiffs and the Class,	18-CV-9174 (OTW
Plaintiff,	ORDER
-against-	
AHRC HOME CARE SERVICES, INC. and NYSARC, INC.,	

UNITED STATES DISTRICT COURT

Defendants.

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of the parties' proposed settlement agreement (ECF 48) and the memorandum of law in support of the settlement agreement, filed by Plaintiff (ECF 44).

Because Plaintiff alleges a Fair Labor Standards Act ("FLSA") claim, any settlement agreement must be approved by the District Court in accordance with *Cheeks v. Freeport Pancake House Inc.*, 796 F.3d 199 (2d Cir. 2015). *See, e.g., Morris v. USPS*, 18-cv-1920 (OTW), 2020 WL 2115347 (S.D.N.Y. May 4, 2020); *Douglas v. Allied Universal Sec. Servs.*, 371 F. Supp. 3d 78, 81 (E.D.N.Y. 2019); *Sanders v. CJS Solutions Grp, LLC*, 17-cv-3809 (ER), 2018 WL 620492, at *4 (S.D.N.Y. Jan. 30, 2018).

Plaintiff's memorandum of law in support of the proposed settlement agreement does not address how the proposed settlement is in accordance with *Cheeks*. Such factors that the parties need to address include, *inter alia*, "(1) the plaintiff's range of possible recovery; (2) the extent to which the settlement will enable the parties to avoid anticipated burdens and expenses in establishing their respective claims and defenses; (3) the seriousness of the

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litigation risks faced by the parties; (4) whether the settlement agreement is the product of

arm's-length bargaining between experienced counsel; and (4) the possibility of fraud or

collusion" and any structural issues such as the opt-in/opt-out process's compliance with the

FLSA. Morris, 2020 WL 2115347, at *1-2 (citing Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332,

335 (S.D.N.Y. 2012)); see also Douglas, 371 F. Supp. 3d at 82-83 (denying preliminary approval

of an FLSA settlement because the settlement did not comply with Cheeks/Wolinsky). The

parties are directed to submit a supplemental memorandum of law addressing Cheeks by June

19, 2020.

SO ORDERED.

Dated: June 3, 2020

New York, New York

s/ Ona T. Wang

Ona T. Wang

United States Magistrate Judge